HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 1944 of 2007

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| Petitioner | | Govind Ram Agrawal, Railway Contractor, S/o Late Sri Naval Kishore Agrawal, Aged about 60 years, Mungeli Road, Bilaspur (C.G.) |
| | Versus | |
| Respondents | 1. | State of Chhattisgarh, Through The Secretary, Khanij Sadhan Department, Mantralaya Raipur (C.G.) |
| | 2. | The Collector, Janjgir Champa (C.G.) |
| | 3. | Union of India, Through the General Manager, South East Central Railway, Bilaspur (CG) |

**SB**: Hon'ble Mr. Justice Satish K. Agnihotri, J

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Shri Ravi Ranjan Sinha, Advocate for the petitioner.

Shri Utkarsh Verma, Deputy Govt. Advocate for the respondents No. 1 and 2.

Smt. B. Maithy, Advocate for the respondent No.3.

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ORDER

(Passed on this 2nd day of April, 2007)

1. The petitioner, who is a railway contractor, engaged in the business of supply, delivery, stacking and spreading of ballast, has filed this petition challenging the letters dated 18.9.2006 (Annexure P/1), 7.10.2006 (Annexure P/2), issued by the Additional Collector, Janjgir Champa and the circular dated 18.10.2001 (Annexure P/3) issued by the State of Chhattisgarh.

2. On perusal of the papers, appended to the petition, it is apparent that vide Circular dated 18.10.2001 (Annexure P/3) the State of Chhattisgarh directed the concerned departments, dealing with the matters of mines and minerals to see that payment is made to the

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contractors by all the concerned departments, after obtaining Royalty Clearance Certificate, to be issued by the Collector, concerned, in all matters where construction work is done, using major minerals.

3. Vide letter dated 18.9.2006 the Additional Collector directed the petitioner to submit transit pass, issued to him towards the supply of ballast so that royalty clearance certificate is issued to the S.E.C. Railway. It is apparent that when even after many reminders, the petitioner has failed to produce the required documents, the Additional Collector, Janjgir Champa, in reference to the letter dated 28.9.2006 of the S.E.C. Railway, directed the Senior Divisional Engineer, S.E.C. Railway, Bilaspur to take initiatives for recovery of Rs. 8,28,511.20 towards excavation and supply of 12,553.20 cubic meter ballast from the Akaltara mines.
4. Learned counsel for the petitioner has miserably failed to state as to whether the petitioner has produced any of the documents, as required by the Additional Collector, Janjgir Champa in his letter dated 18.9.2006, or the petitioner has submitted reply to the letter that he is not in possession of such documents.
5. In view of the above, there is no merit in this petition, which deserves to be dismissed at the admission stage itself.
6. Accordingly, the petition is dismissed. However, the petitioner is at liberty to approach the respondent No.2 and furnish his reply and documents, if any.

Sd/-
Satish K.Agnihotri
Judge

Thakur